REMARKS

Claims 1-4 and 6-15 are pending.

In amended claim 1, applicants emphasize an essential feature of the invention, namely the fact that the claimed method results in the production of plants with an increased and qualitatively modified content of flavonoids and phenolic constituents. New claim 10 refers to a method for producing plant preparations with an increased and qualitatively modified content of flavonoids and phenolic constituents, which method comprises, besides treating the plant with a compound of formula I, harvesting and processing the plants or parts of these plants to obtain a plant preparation with the above characteristics. This claim is supported by the original claim 7 wherefrom it is clear that the plant, after having been treated with the acylcyclohexanedione of formula I, or a part of the plant must be harvested and processed since otherwise one could not obtain the preparations enumerated in the claim. Moreover, on page 7, lines 38 to 43 of the description it is disclosed that preparations from higher plants are obtained after treating the plants with the compounds of formula I. It is evident that one must harvest and process the plants or parts thereof in order to arrive at said plant preparation.

Claim 7 stands rejected under 35 U.S.C. 112, first paragraph. Applicants have amended claim 7 to be directed to a method for treating illnesses associated with human and animal health, rather than a curative composition. This should overcome this rejection.

Claims 1, 2, 4, 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Basak et al. (Acta Hort., 2000, 514). Applicants respectfully traverse this rejection.

Applicants urge that Basak et al. is not prior art with respect to the present application. The present application claims priority to German application 19927571.8 filed June 17, 1999. A verified translation of this priority document was submitted April 2, 2003 (certificate of mailing). Therefore, a reference published in 2000 is not prior art.

Claims 1, 2, 4, 7, 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Greene (HortScience, 1999, vol. 34 no. 7). Applicants respectfully traverse this rejection. Applicants urge that Greene, which is believed to have a publication date of December 1999, is not prior art with respect to the present application. The present application claims priority to German application 19927571.8 filed June 17, 1999. A verified translation of this priority document was submitted April 2, 2003 (certificate of mailing). Therefore, a reference published after June 17, 1999 is not prior art.

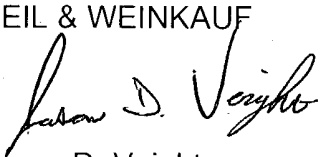
Claims 1, 2, 4, 7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ilan et al. (Plant Cell Reports, 1992, vol. 11 no. 5-6). Applicants respectfully traverse this rejection. Ilan et al. describes the effect of growth retardants on anthocyanin production in wild carrot cell suspension cultures. The application of prohexanedione as growth retardant results in a decreased anthocyanin accumulation in said cultures. First of all, this reference cannot anticipate the claimed subject matter because it describes the treatment of cell cultures and not of plants. It is evident that a cell culture cannot be compared to a plant, since the metabolic pathway in these cultures can differ from that of a plant as such. Secondly, the production of plants or plant preparations with increased and qualitatively modified flavonoids and phenolic constituents is not described.

Moreover, the claimed process and compositions would not have been obvious in view of the cited art. None of the cited references contains any teaching or suggestion to use acylcyclohexanediones to increase and qualitatively modify the content of flavonoids and phenolic constituents in plants. Ilan et al. even teaches away from the claimed process because Ilan et al. reports that treating carrot cell cultures with prohexanedione results in decreased content of anthocyanine, which is a flavonoid. Consequently, a skilled person would have deduced that applying acylcyclohexanediones to plants as such may also lead to a reduced flavonoid content in the treated plants and therefore would not have used this substance class.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF



Jason D. Voight
Reg. No. 42,205

1350 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 659-0100